

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DOUGLAS HANDSHOE

PLAINTIFF

V.

CIVIL ACTION NO. 1:15-cv-382-HSO-JCG

VAUGH PERRET et al

DEFENDANTS

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
MOTION FOR EXTENSION OF TIME TO SERVE PROCESS (ECF NO. 69)**

BEFORE THE COURT is Plaintiff Douglas Handshoe's Motion for Extension of Time to Serve Process (ECF No. 69). Plaintiff seeks an extension of time up to and including December 15, 2016 in order to serve summons and the Second Amended Complaint (ECF No. 44) on Defendant Daniel Abel. He says that he and his hired private investigators "continue to diligently attempt to locate Abel for service of process." (ECF No. 69, at 2).

Plaintiff asserts that the investigative firm he has hired to serve process on Mr. Abel has been unable to locate him at his last known address, a Super 8 Motel in Metairie, Louisiana. Mr. Abel supposedly used this address until October 2015 and again in May 2016 as his address of record for separate proceedings before the United States District Court and United States Bankruptcy Court for the Southern District of Mississippi. Plaintiff also references separate litigation between himself and Mr. Abel before the Orleans Parish Civil District Court and states that Abel has "abandoned" this litigation "by refusing to sit for his scheduled

deposition...despite being compelled by the New Orleans Civil District Court.” (ECF No. 69, at 2).

The Court finds that the extension of time requested by Plaintiff is excessive. Plaintiff perhaps insinuates that Mr. Abel is evading service of process, but Plaintiff has provided no evidence – only his own unsworn assertions – to support such a conclusion. The facts asserted simply suggest that Mr. Abel is no longer domiciled at the Super 8 Motel in Metairie, Louisiana; it seems like he has moved. Moreover, Plaintiff previously served Mr. Abel with the Original Complaint and First Amended Complaint on February 26, 2016 (ECF No. 39). Plaintiff will therefore be granted a short extension of time to serve Mr. Abel with the Second Amended Complaint.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Extension of Time to Serve Process (ECF No. 69) is **GRANTED IN PART AND DENIED IN PART**. Plaintiff will be granted an extension of twenty (20) days, or until **October 18, 2016** to properly serve Defendant Daniel Abel with the Second Amended Complaint and file proof of such service. No further extensions for service of process will be granted absent a showing of extraordinary circumstances.

SO ORDERED this the 28th day of September, 2016.

s/ John C. Gargiulo

JOHN C. GARGIULO
UNITED STATES MAGISTRATE JUDGE